

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7973-2019 (O&M)
Date of Decision: 26.03.2019

Avtar Singh & others

--Petitioners

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. A.P.S. Sandhu, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

The instant writ petition has been filed seeking the issuance of a Writ of Certiorari for quashing the order dated 3.7.2018 (Annexure P-9) passed by the Director General, School Education, Punjab Education Development Board and in terms of which the Adarsh Senior Secondary School, Pathrala has been ordered to be closed w.e.f. 1.4.2019. Further prayer is for issuance of a Mandamus for permitting respondent no.6-Society i.e. the Shahid Udham Singh Educational and Welfare Society to run the school in question.

Counsel for the petitioner has been heard at length.

At the outset, it may be noticed that the instant writ petition is not at the hands of the school in question or for that matter the respondent no.6-Society which was running the school. Rather the writ petition has been filed by four petitioners, who claim themselves to be the parents and their wards to be studying in the school.

Confronted with such a situation, learned counsel representing the petitioners makes a statement that he would confine the scope of the instant writ petition only with regard to issuance of directions to the official respondents to grant the necessary facilities to the wards of the petitioners

upon their transfer to the Govt. School at Pathrala as they were enjoying in the previous Adarsh School.

In the considered view of this Court, no warrant for interference in the matter is made out.

Perusal of the impugned order dated 3.7.2018 (Annexure P-9) would reveal that the basis of directing closure of Adarsh School, Pathrala, District Bathinda was that the school had initially been handed over to M/s Educomp Solutions Ltd. Subsequently at the request of M/s Educomp Solutions Ltd. the allotment of the Adarsh School was canceled and the same was allotted to Aklian Educational and Research Society vide agreement dated 2.7.2012. However, this group also left the school in a lurch in 2013. Thereafter, school was allotted to M/s Everonn School Ltd. vide letter dated 5.6.2013 but even such group did not take over the charge of the school. Under such situation the school administration was temporarily handed over to the S.D.M., Bathinda by way of stopgap arrangement. It is thereafter that the school was allotted to respondent no.6-Society in the year 2016. Apparently, a dispute arose between the private partner i.e. respondent no.6-Society and the teachers employed in the school. The impugned order further recites that the school was being run in a rented building and that also in two parts whereby some of the students were studying in a village Dharamshala. The Director General, School Education formed an opinion that the purpose of opening the Adarsh School i.e. to provide quality education to the students in the rural areas with quality infrastructure had not been met. As such, while directing closure of the school, the interest of the students studying therein was protected inasmuch as they were directed to be accommodated and transferred to the

Govt. Primary School and Govt. Senior Secondary School of village Pathrala itself.

The submission advanced by counsel that by virtue of such transfer of the wards of the petitioners it would virtually tantamount to a degradation of facilities, does not appear to be well founded. An overall reading of the impugned order directing closure of the Adarsh School clearly shows a case of gross mismanagement and a repeated change of hands of the private partners. Apparently there was no semblance of constant education/teaching being imparted much less quality education to the students.

Under such circumstances, the interest of the wards of the petitioners would be well protected upon their transfer to the Govt. Primary School as also Govt. Senior Secondary School of village Pathrala.

There is no merit in the instant petition and the same is, accordingly, dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

26.03.2019

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No